

Application No. 10/840,024
Amendment dated February 19, 2008
Reply to Office Action of October 17, 2007

Amendments to the Drawings:

The attached sheet of drawings includes new FIG 1 is added to more clearly facilitate understanding of the invention as requested by the Patent Office.

Attachment: New Sheet

REMARKS

Claims 1-23 are pending herein.

By this Amendment, claims 3 and 15 are amended to more clearly recite the claimed subject matter. Support may be found in the specification at, for example, paragraph [0020].

FIG. 1 is added to more clearly facilitate understanding of the invention as requested by the Patent Office. The specification is amended by the addition of paragraphs [0010.1] – [0010.3] and amendments to paragraphs [0015], [0016], [0021], [0024], and [0026] to describe FIG. 1.

Accordingly, no new matter is added by this Amendment.

I. Declaration

The Patent Office has alleged that the original Declaration filed with the application on May 06, 2004 is defective for failing to identify the mailing address of each inventor.

Applicants respectfully disagree with the Patent Office's assertion.

The Declaration filed with the present application on May 06, 2004 was Form PTO/SB/01A which is used in conjunction with a filed Application Data Sheet. The Application Data Sheet in turn provides the mailing address of each named inventor.

In the present application, an Application Data Sheet was filed with the application on May 06, 2004, and the filed Application Data Sheet includes the then current mailing address of each of the named inventors. As such, Applicants respectfully assert that a new Declaration is not required in this case.

II. Drawings

The Patent Office alleged that the “subject matter of this application admits of illustration by drawings to facilitate understanding of the invention.”

Although Applicants respectfully assert that an illustration is not needed in understanding of the presently claimed invention, by this Amendment, Applicants submit a FIG. 1 to more easily facilitate understanding of the presently claimed invention.

In view of the new drawing, Applicants submit that the application is further in condition for allowance.

III. Rejection Under 35 USC §112, second paragraph

Claims 3 and 15 were rejected by the Patent Office under 35 USC §112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

In particular, the Patent Office has alleged that it is unclear as to what Applicants intend by the term “different” in the phrase “wherein the pre-determine standardized form is different based on different fields technical concentration ...” of claims 3 and 15.

By this Amendment, each of claims 3 and 15 to recite “wherein the pre-determined standardized format is based on particular fields of technical concentration”

In view of the foregoing amendments to claims 3 and 15, Applicants submit that each of claims 3 and 15 now more fully point out and distinctly claim the subject matter of each respective claim. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 USC §102(b)

Claims 1-23 were rejected by the Patent Office under 35 USC §102(b) for allegedly being anticipated by US Patent No. 6,385,620 to Kurzius et al. (hereinafter “Kurzius”). Applicants respectfully traverse the rejection.

Claims 1 and 13 are independent claims. Claims 2-12 are dependent, either directly or indirectly, upon independent claim 1. Claims 14-23 are dependent, either directly or indirectly, upon independent claim 13.

Independent claims 1 and 13 respectively recite a system and method for matching potential acquires and potential acquirers based on one or more sets of criteria. The system and method both comprise an automatic notification means, wherein each of the potential acquirers and potential acquirers are notified if a score between the desired criteria and the actual criteria is greater than or equal to a pre-determined value.

Kurzius describes a system for automated candidate recruiting using a network to allow an employers to more readily select candidates for job postings based on automated mapping of the candidate's qualifications.

As recited in each of independent claims 1 and 13, the present invention claims that each of the one or more potential acquirers and the one or more potential acquirers are automatically notified if a score between the desired criteria and the actual criteria is greater than or equal to a pre-determined value.

In contrast to the presently claimed invention, Kurzius describes only an automatic notification to an employer if particular qualifications of a candidate are matched.

According to the description of Kurzius, a candidate to a job posting is not identified as meeting the job posting requirements as identified by the employer until the employer first reviews the candidates meeting the job posting requirements.

“In step 1112, a recruiter and/or the candidate associated with the interest of feedback is notified that the interest or feedback has been indicated by the employer.” See, Kurzius, column 14, lines 25-28 (emphasis added).

According to the teachings of Kurzius, a candidate is only notified of a potential match with an employer upon at least two steps of review. That is, first, according to Kurzius, the candidate must meet the requirements of the job posting as determined by the employer. Then, the employer reviews the candidates meeting the requirements of the job posting, after which

point the candidates meeting the requirements of the job posting are notified only if the employer indicates that the candidate is of interest to them.

In other words, according to Kurzius, a candidate may meet the job requirements of an employer and the employer may chose to not contact the candidate based on any of a number of variables, including discriminatory reasons.

Furthermore, requiring the initial review by employers as described in Kurzius may expend time and energy that otherwise would not need to be met. For example, in Kurzius, because an employer must first review potential candidates, the employer may waste time reviewing resumes from candidates no longer looking for new employment, candidates not interested in working in the particular field or company, etc.

In contrast, the present automatic notification means to both the potential acquiree and the potential acquirer allows a potential acquirer to take the initiative to contact a potential acquiree to which he is matched to share interest in the open position, decline interest, inquire for additional information, and the like.

The presently claimed invention allows for a more open atmosphere in the recruiting and placement fields and to whom he is matched such that the potential acquirer has the assurance and knowledge that they meet the requirements requested by the potential acquirer.

Nowhere does Kurzius describe automatic notification to both the employer and the candidate when a match is made. The presently claimed invention recites that both the potential acquirer and the potential acquiree are automatically notified when a match is made which allows for a more open recruiting system substantially freer of discrimination.

Thus, for the forgoing reasons, Applicants respectfully submit that Kurzius fails to anticipate the presently claimed invention because Kurzius fails to describe every aspect of the presently claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Lafkas', enclosed within a large, loopy oval shape.

David M. Lafkas
Registration No. 50,424

DML/hs

Date: February 19, 2008

Attachments:

Appendix
Petition for Extension of Time

LAFKAS PATENT LLC
PO Box 43289
Cincinnati, OH 45243-0289
Telephone: 513-271-8255
Facsimile: 866-557-3411
dlafkas@lafkaspatent.com